

**PLAINTIFFS' DESIGNATION OF DEPOSITION TESTIMONY OF MALCOLM MACLEOD**  
**(Testifying By Way of Deposition Only)**  
**(Counter-Designations in italicized text)**

Deposition April 19, 2005

| Time             | Objection/Counter-Designations<br>(include specific page and line numbers of material objected to and objection(s)) | Response |
|------------------|---|----------|
| 7:8-11           |   |          |
| 8:24-9:21        |   |          |
| 25:22-26:5       |   |          |
| 27:10-28:4       |   |          |
| 29:2-14          | Designation omits part of answer and should include 29:15-20<br><i>DK</i>   |          |
|                  | 29:15-20  |          |
| 30:22-25         |   |          |
| 34:8-14          |   |          |
| 39:11-40:4       |   |          |
| 68:25-69:1, 7, 9 |   |          |

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|------------|---|--|
| 69:11-15   |   |  |
| 72:18-73:4 |   |  |
|            | 73:5-12   |  |
| 74:11-15   |   |  |
| 74:20-24   | 74:25-75:2  |  |
| 75:3-11    | 75:12-17  |  |
|            | 77:15-78:3  | Lacks foundation and calls for speculation. FRE 602. |
| 80:13-22   |   |  |

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|---------------------------|---|--|
| 81:8-14                   | Irrelevant, misleading; no <del>spx</del> police <u>were</u> involved in Parabe.<br><i>S/M</i>  | The evidence is not offered on the issue of what took place at Parabe, but generally on issues of agency and control over the GSF by CNL.  |
| 90:10-12                  |   |  |
| 103:9-104:6               | <i>104:7-12</i>   |  |
| 105:8-18                  |   |  |
| 109:21-110:11             | Deponent lacks personal knowledge of risk management team because he did not <del>participate</del> in it. <del>He did not know</del> anyone on the team and did not provide any information to them. See Dep. 110:12-25.                                   | The fact that the witness was not on the committee does not mean his is unable to testify concerning it as his supervisor, Scott Taylor, was a "core member."  |
| 111:3-21                  | Testimony regarding 1999 security review is irrelevant and prejudicial because it post-dates the <del>Parabe incident</del> . As MacLeod makes clear, the concern <del>post</del> because of the deteriorating security situation in the Niger Delta, which | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring |

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|           | Objectio/n/Counter-Designation<br>(include specific page and line numbers of material objected to and objection(s)) | Response    |
|-----------|---|-------------|
| 115:19-23 | <i>116:1-10</i>   | pre-Parabe. |
| 116:1-10  | <i>117:7-18</i>   |             |
| 117:11-12 | <i>118:1-10</i>   |             |
| 118:11-12 | <i>119:1-10; 120:1-10</i>   |             |
| 119:11-12 |   |             |
| 120:1-10  |   |             |
| 121:1-10  | <i>122:1-10; 123:1-10</i>   |             |
| 123:1-10  |   |             |
| 124:1-10  | <i>125:1-10; 126:1-10</i>   |             |
| 125:1-10  |   |             |
| 126:1-10  | <i>127:1-10; 128:1-10</i>   |             |
| 127:1-10  |   |             |
| 128:1-10  |   |             |
| 129:1-10  | <i>130:1-10</i>   |             |
| 130:1-10  |   |             |
| 131:1-10  | <i>132:1-10; 133:1-10</i>   |             |
| 132:1-10  |   |             |
| 133:1-10  |   |             |
| 134:1-10  | <i>135:1-10; 136:1-10</i>   |             |
| 135:1-10  |   |             |
| 136:1-10  |   |             |
| 137:1-10  | <i>138:1-10; 139:1-10</i>   |             |
| 138:1-10  |   |             |
| 139:1-10  |   |             |
| 140:1-10  | <i>141:1-10; 142:1-10</i>   |             |
| 141:1-10  |   |             |
| 142:1-10  |   |             |
| 143:1-10  | <i>144:1-10; 145:1-10</i>   |             |
| 144:1-10  |   |             |
| 145:1-10  |   |             |
| 146:1-10  | <i>147:1-10; 148:1-10</i>   |             |
| 147:1-10  |   |             |
| 148:1-10  |   |             |
| 149:1-10  | <i>150:1-10; 151:1-10</i>   |             |
| 150:1-10  |   |             |
| 151:1-10  |   |             |
| 152:1-10  | <i>153:1-10; 154:1-10</i>   |             |
| 153:1-10  |   |             |
| 154:1-10  |   |             |
| 155:1-10  | <i>156:1-10; 157:1-10</i>   |             |
| 156:1-10  |   |             |
| 157:1-10  |   |             |
| 158:1-10  | <i>159:1-10; 160:1-10</i>   |             |
| 159:1-10  |   |             |
| 160:1-10  |   |             |
| 161:1-10  | <i>162:1-10; 163:1-10</i>   |             |
| 162:1-10  |   |             |
| 163:1-10  |   |             |
| 164:1-10  | <i>165:1-10; 166:1-10</i>   |             |
| 165:1-10  |   |             |
| 166:1-10  |   |             |
| 167:1-10  | <i>168:1-10; 169:1-10</i>   |             |
| 168:1-10  |   |             |
| 169:1-10  |   |             |
| 170:1-10  | <i>171:1-10; 172:1-10</i>   |             |
| 171:1-10  |   |             |
| 172:1-10  |   |             |
| 173:1-10  | <i>174:1-10; 175:1-10</i>   |             |
| 174:1-10  |   |             |
| 175:1-10  |   |             |
| 176:1-10  | <i>177:1-10; 178:1-10</i>   |             |
| 177:1-10  |   |             |
| 178:1-10  |   |             |
| 179:1-10  | <i>180:1-10; 181:1-10</i>   |             |
| 180:1-10  |   |             |
| 181:1-10  |   |             |
| 182:1-10  | <i>183:1-10; 184:1-10</i>   |             |
| 183:1-10  |   |             |
| 184:1-10  |   |             |
| 185:1-10  | <i>186:1-10; 187:1-10</i>   |             |
| 186:1-10  |   |             |
| 187:1-10  |   |             |
| 188:1-10  | <i>189:1-10; 190:1-10</i>   |             |
| 189:1-10  |   |             |
| 190:1-10  |   |             |
| 191:1-10  | <i>192:1-10; 193:1-10</i>   |             |
| 192:1-10  |   |             |
| 193:1-10  |   |             |
| 194:1-10  | <i>195:1-10; 196:1-10</i>   |             |
| 195:1-10  |   |             |
| 196:1-10  |   |             |
| 197:1-10  | <i>198:1-10; 199:1-10</i>   |             |
| 198:1-10  |   |             |
| 199:1-10  |   |             |
| 200:1-10  | <i>201:1-10; 202:1-10</i>   |             |
| 201:1-10  |   |             |
| 202:1-10  |   |             |
| 203:1-10  | <i>204:1-10; 205:1-10</i>   |             |
| 204:1-10  |   |             |
| 205:1-10  |   |             |
| 206:1-10  | <i>207:1-10; 208:1-10</i>   |             |
| 207:1-10  |   |             |
| 208:1-10  |   |             |
| 209:1-10  | <i>210:1-10; 211:1-10</i>   |             |
| 210:1-10  |   |             |
| 211:1-10  |   |             |
| 212:1-10  | <i>213:1-10; 214:1-10</i>   |             |
| 213:1-10  |   |             |
| 214:1-10  |   |             |
| 215:1-10  | <i>216:1-10; 217:1-10</i>   |             |
| 216:1-10  |   |             |
| 217:1-10  |   |             |
| 218:1-10  | <i>219:1-10; 220:1-10</i>   |             |
| 219:1-10  |   |             |
| 220:1-10  |   |             |
| 221:1-10  | <i>222:1-10; 223:1-10</i>   |             |
| 222:1-10  |   |             |
| 223:1-10  |   |             |
| 224:1-10  | <i>225:1-10; 226:1-10</i>   |             |
| 225:1-10  |   |             |
| 226:1-10  |   |             |
| 227:1-10  | <i>228:1-10; 229:1-10</i>   |             |
| 228:1-10  |   |             |
| 229:1-10  |   |             |

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| <i>150.23-151.12</i>  | Clearly speculative testimony lacking in foundation.     |
| <i>153:12-155:4</i>   |  |
| <i>157.5-158:9</i>  | Witness makes clear he is speculating; lacks foundation. |
| <i>158:20-22</i>  |  |
| <i>160:9-161:11</i>   |  |
| <i>162:16-164:4</i>   |  |
| <i>164:5-8</i>  |  |
| <i>166.20-167:9, Exhibit 57</i>   |  |
| <i>169.1-170:4</i>  |  |

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|--|--|
| 224:6-18   | <p>Testimony regarding interview done in connection with 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ijaje crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. Deponent lacks personal knowledge of statements from interviewee; hearsay. FRE 602, 802.</p>   |
| 225:4-11   | <p>Testimony regarding interview done in connection with 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ijaje crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. Deponent lacks personal knowledge of statements from interviewee; hearsay. FRE 602, 802.</p> <p>The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe.</p> |

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|---|---|
| 225:20-24   | <p>Testimony regarding supervision or provision of counsel following 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Maje crisis that plaintiffs have continuously tried to exclude. <i>See</i> Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403.</p> |
| 226:2-15  | <p>Testimony regarding training which occurred in May 1999 following 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Maje crisis that plaintiffs have continuously tried to exclude. <i>See</i> Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403.</p> |
| 227:14-228:3<br>(through "three-  | <p>Testimony regarding training which occurred in May 1999 following 1999 security review is irrelevant and prejudicial</p>   |

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| 228:11-15<br><br>"day course")  | <p>because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ilafe crisis that plaintiffs have continuously tried to exclude. <i>See</i> Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403.</p>  |
| 230:3-10  | <p>Testimony regarding whether training was provided for military in connection with 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ilafe crisis that plaintiffs have continuously tried to exclude. <i>See</i> Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403.</p> |
|   | <p>The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe.</p>  |

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| 237:17-238:8 and<br>Exh. 68  | Delta, which included Ijaw hostage takings and the Ijaw/Ijaw crisis that plaintiffs have continuously tried to exclude. <i>See Dep. 224:21-225:3.</i> It would mislead the jury and be unduly prejudicial. FRE 401-403.  |
| 238:9-14   | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe.<br><br>Exhibit 68 (1999 security review) and testimony about exhibit is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ijaw crisis that plaintiffs have <del>conspicuously</del> tried to exclude. <i>See Dep. 224:21-225:3.</i> It would <del>mislead</del> the jury and be unduly prejudicial. FRE 401-403. |
|  | 238:9-14 (designated only if security review materials come in)  |